

## REMARKS

Applicants respectfully request reconsideration of this application as amended. Claims 1, 3-7, 10-13, 24, 26-30, 33-36, 47, 51, 56-59, 62-63, 72-74, and 77-78 are pending in the application. No claims have been amended, canceled, or added.

### Rejections under 35 U.S.C. § 101

Claims 1, 24, 56, and 72 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicants respectfully traverse the rejection. The Examiner argued that claims 1, 24, 56, and 72 recite an abstract idea in the preamble. Applicants respectfully disagree. The preambles of claims 1, 24, 56, and 72 recite “A method comprising:” and “A system comprising:”, respectively. It is respectfully submitted that the preambles of claims 1, 24, 56, and 72 comply with well-known claim drafting format and they do not recite an abstract idea.

The Examiner further argued that “steps in the claim body merely applying a search and generating results, which can be implemented by a person or by the use of a pencil and paper” (Office Action, p.4, second paragraph). Applicants respectfully submit that the test under § 101 is not whether the claimed method (or system) can be implemented by a person or by the use of a pencil and paper. As recited by the Examiner earlier in the Office Action, the two-prong test under § 101 is:

- (1) whether the invention is within the technological arts; and
- (2) whether the invention produces a useful, concrete, and tangible result.

Claim 1 is directed to performing a search based on at least the search criteria in a search request received from a first user to identify certain data records. Unlike abstract ideas (e.g., mathematical algorithm, law of nature, etc.), data record searches are practical applications well-known in the area of information management. The results produced by the claimed invention are the data records identified, which are useful, concrete, and tangible. Furthermore, the operations recited in claim 1, such as determining the first user's organizational identifier, restricting the scope of search based on the first user's organizational identifier, etc., clearly advance the technological arts by improving the data record search process in terms of speed and accuracy. Therefore, claim 1 is directed to statutory subject matter. Withdrawal of the rejection is respectfully requested.

For at least the reasons discussed above with respect to claim 1, claims 24, 56, and 72 are directed to statutory subject matter. Withdrawal of the rejection is respectfully requested.

#### **Rejections Under 35 U.S.C. § 103(a)**

Claims 1, 3-7, 10-13, 24, 26-30, 33-36, 47, 51, 56-59, 62-63, 72-74, and 77-78 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,449,598 by Gordon M. Green ("Green") in view of U.S. Patent No. 6,490,619 of Debora J. Byrne ("Byrne"), and further in view of Christian Mayaud (U.S. Patent No. 5,845,255).

Applicants respectfully traverse the rejections.

Specifically, claim 1 includes the limitation, or a limitation similar thereto, of:

... performing a search based upon the search criteria and the first user's organizational identifier to identify data records that match the search criteria and to which the first user is allowed to access based upon the first user's organizational identifier, wherein performing the search includes restricting the scope of search based on the first user's organizational identifier, which further includes selecting a subset of data records that match the first user's organizational identifier from a set of records that are associated with the at least one search category.  
(Applicants' Independent Claim 1, ln. 7-13).

Claim 1 sets forth restricting the scope of search based on the first user's organizational identifier, which further includes selecting a subset of data records that match the first user's organizational identifier from a set of records that are associated with the at least one search category. In contrast, none of the cited references discloses at least the above limitation. The Examiner admitted that Green and Byrne do not disclose the above limitation (Office Action, p. 6, third paragraph, lines 1-6). However, the Examiner alleged Mayaud disclosed the above limitation.

According to Mayaud, the reference discloses a prescription management system that provides security by password protection operating hierarchically on one or more levels (Mayaud, col. 10, lines 12-19). Mayaud further discloses that release of patient information may be controlled by prescriber-determined data access protocols specifying who, or what organization, department or group may access what data (Mayaud, col. 13, lines 55-63). Mayaud further discloses the maintenance of audit trail details for every access, who or what organization accessed the record (Mayaud, col. 17, line 60 – col. 18, line 5). In other words, Mayaud merely discloses password protection and access control of patient information. Mayaud does not disclose *restricting the scope of search* based on the first user's organizational identifier, which further includes *selecting a subset of data*

*records* that match the first user's organizational identifier from a set of records that are associated with the at least one search category.

Since none of Green, Byrne, and Mayaud discloses at least the limitation set forth above, claim 1 is patentable over Green, in view of Byrne and Mayaud for at least this reason. Withdrawal of the rejection is respectfully requested.

Furthermore, it is respectfully submitted that claim 1 is patentable over Green, in view of Byrne and Mayaud because there is no motivation for one of ordinary skill in the art to combine these references. Contrary to the Examiner's assertion that the system in the primary reference, Green, has "intended broad application" (Office Action, p. 6, line 3), Green explicitly stated that its disclosure is particularly related to "an on-line software based system which stores health care policy documents" (Green, col. 1, lines 5-10). As for the secondary reference, Byrne, the reference is directed to a method for locating a server in a distributed network using the Lightweight Directory Access Protocol (LDAP), maintaining information for the server, displaying a tree of servers, browsing the tree of servers, and searching the tree of servers for an entry with specific attributes (Byrne, abstract). The on-line software based system which stores health care policy documents and the method for locating and maintaining information for servers are in two distinct and separate fields. Moreover, the current application is directed to customer relationship management, which is not related to either of the fields to which Green and Byrne are directed to. Therefore, one of ordinary skill in the art would not have been motivated to look into Green and Byrne for a solution to the problem solved by Applicants.

Furthermore, it is impermissible to pick and choose among isolated disclosures in the prior art, through hindsight reconstruction, to show obviousness of the claimed invention.

In re Fritch, 972 F.2d 1260, 1266 (1992). For at least the above reason, claim 1 is patentable over Green, in view of Byrne and Mayaud. Applicants respectfully request withdrawal of the rejection.

Claims 24, 47, 56, 72 are patentable over Green, in view of Byrne and Mayaud for at least the reasons discussed above with respect to claim 1. Applicants respectfully request withdrawal of the rejection.

The remaining claims 3-7, 10-13, 26-30, 33-36, 51, 57-59, 62-63, 73-74, and 77-78 depend, directly or indirectly, from the independent claims 1, 24, 47, 56, and 72, respectively. Therefore, claims 3-7, 10-13, 26-30, 33-36, 51, 57-59, 62-63, 73-74, and 77-78 are patentable over the cited references for at least the reasons discussed above with respect to claim 1. Withdrawal of the rejections is respectfully requested.

**CONCLUSION**

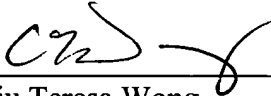
Applicants respectfully submit that the rejections have been overcome by the remarks, and that the claims are now in condition for allowance. Accordingly, Applicants respectfully request the rejections be withdrawn and the claims be allowed.

If there are any additional charges, please charge Deposit Account No. 02-2666 for any fee deficiency that may be due.

Respectfully submitted,

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